THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.5046 of 2007

Between:

Nellore Sreekar Reddy and others.

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PETITIONERS

and

The Superintendent of Police and others.

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RESPONDENTS

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ORDER:

The 1st petitioner is the son of the 3rd respondent, the 2nd petitioner is the wife of the 1st petitioner and the 3rd and 4th petitioners are the parents-in-law of the 1st petitioner.

It is stated that the 3rd respondent, who is the mother of the 1st petitioner, with her acquaintance with political leaders, pressurizing the 1st petitioner for partition of joint family properties.

If any member of the joint family or co-parcener desires to have partition, the only legal course open for them is either settle partition of property with the consent of parties amicably or in the absence of any amicable settlement, any one of them can approach the Civil Court seeking partition of the joint family properties. However, the 3rd respondent cannot make use of such influence with the police officials for entering into compulsory partition of the joint family properties.

It is stated that at the instance of the 3rd respondent, the 2nd respondent came to the house of the petitioners and pressurized for partition of the joint family properties. It is further stated that as the police are interfering with the civil disputes of the 1st petitioner and pressurizing to sign in the partition deed, the 1st petitioner made a representation before the 1st respondent on 08-03-2007. But, so far, the 1st respondent has not considered the same and no appropriate action has been taken against the illegal action of the 2nd respondent.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the 1st respondent to consider and dispose of the representation of the petitioner, dated 08-03-2007, and take appropriate action, in accordance with law, as expeditiously as possible. If any of the allegations are found to be true, appropriate action has to be

taken against the 2nd respondent. Further, the 2nd respondent cannot take any action against the 1st petitioner or interfere with his civil rights, unless any complaint is lodged against the 1st petitioner alleging that he committed cognizable offence. There shall be no order as to costs.

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13-03-2007

Note:
Issue C.C. in two days
(B/o)
Prv